

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

Case No. 1:10-cr-00298-RJJ

v.

Matthew Michael Kosla

Defendant

APPEARANCE BOND AND ORDER SETTING CONDITIONS OF RELEASE

- () RELEASE ON PERSONAL RECOGNIZANCE: Defendant shall be released on his or her own recognizance subject to the conditions and provisions checked below:
- (☒) RELEASE ON UNSECURED APPEARANCE BOND: Defendant shall be released after executing and swearing to this bond, subject to the conditions and provisions checked below:

I, the undersigned defendant, promise to pay the United States of America the sum of:

\$ 5,000.00 (five thousand dollars),

to be levied of all my real and personal property forthwith if default be made. I also agree to abide by the additional conditions and provisions of release checked below upon penalty of revocation of my bond. I understand that if I fully comply with the conditions identified below, my obligation will be void; otherwise forfeiture of this bond for any breach of this condition may be declared by the Court and judgment entered for the amount above stated, together with interest and costs.

- () RELEASE ON SECURED APPEARANCE BOND: Defendant shall be released after executing and swearing to this bond, subject to the conditions and provisions checked below:

I, the undersigned defendant, acknowledge that I and my personal representatives, jointly and severally, are bound to pay to the United States of America the following amount:

\$ _____,
such amount to be secured by:

- () Real or personal property, to be evidenced by the following:

() Agreement to Forfeit Property

() Other _____

- () Cash, certified check or money order, to be evidenced by the following:

() Receipt and Affidavit of Ownership

() Justification of Sureties and related documents

() Other _____

I further agree to abide by the additional conditions and provisions of release checked below upon penalty of revocation of my bond.

If the defendant appears as ordered or notified and otherwise obeys and performs all conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment of the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and any other laws of the United States.

STANDARD CONDITIONS OF RELEASE

- (☒) I agree not to commit any offense under 18 U.S.C. § 1503 (influencing or injuring an officer, juror, or witness); 18 U.S.C. § 1512 (tampering with a witness, victim, or informant), or 18 U.S.C. § 1513 (retaliating against a witness, victim, or informant), or any other offense under federal, state or local criminal law.
- (☒) I agree not to use or possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802 unless prescribed by a licensed medical practitioner.
- (☒) I agree to personally appear at all proceedings as required by this Court, or such other Court as directed, at such times as required by the Court to answer to any complaint, indictment or information which may be filed against me, and not depart without leave thereof, and to obey any further orders and directions of the Court and shall surrender for service of any sentence imposed as directed.
- (☒) I agree to provide the Pretrial Services Officer written notice within twenty-four hours of any change of address, telephone number, or employment.

ADDITIONAL CONDITIONS OF RELEASE

- (☒) 1. I understand that supervision by Pretrial Services (☒) is () is not required by the Court. If required, I agree to report to the Pretrial Services Officer as directed.
- () 2. I understand that all the current terms and conditions of supervision remain in effect, and are made a part of this bond.
- (☒) 3. I agree to remain in the Western District of Michigan unless I have the previous consent of the Pretrial Services Officer or the Court.
- () 4. I agree to report as soon as possible to the Pretrial Services Officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- () 5. I agree to submit to urinalysis or other drug testing, treatment and/or counseling if so directed by the Pretrial Services Officer and shall pay at least a portion of the cost according to my ability as determined by the Pretrial Services Officer.
- (☒) 6. I agree to undergo medical or mental health assessment, treatment and/or counseling as directed by the Pretrial Services Officer and shall pay at least a portion of the cost according to my ability as determined by the Pretrial Services Officer.
- (☒) 7. I agree not to:
 - (☒) use or possess any alcohol.
 - () use alcohol excessively.
 - () have alcoholic beverages in my home.
 - () enter any establishment whose primary function is the serving of alcohol (e.g. bars).
- () 8. I agree not to possess a firearm, destructive device, or other dangerous weapon and that all such items shall be removed from my place of residence.
- (☒) 9. I agree to maintain or actively seek employment.
- () 10. I agree to maintain or commence an education program.
- () 11. I agree not to apply for or enter into any loan or other credit transaction without the previous written permission of the Pretrial Services Officer.
- () 12. I agree to surrender any passport currently in my possession to _____ and not to obtain any passport in the future.
- () 13. I agree to remove all computers from my home and to have no Internet access.
- () 14. I agree not to:
 - () have unsupervised contact with minors or to frequent places where children are generally found.
 - () possess or access any materials, including pictures, photographs, books, writings, drawings, videos or video games, depicting and/or describing child pornography as defined by 18 U.S.C. § 2256(8).

- () possess any sexually stimulating or sexually oriented material deemed inappropriate by the probation officer and/or treatment staff.
- () patronize or be in or around places where sexually explicit materials or stimuli are available (i.e. nude dancing clubs, pornography shops, etc.).
- () 15. I agree to avoid all contact, directly or indirectly, with any persons who are or who may become a witness, victim or informant in the subject investigation or prosecution, including but not limited to:
- _____
- _____
- _____
- () 16. I agree to avoid all contact, directly or indirectly, with any persons who are or who may become a co-defendant in the subject investigation or prosecution, including but not limited to:
- _____
- _____
- _____
- () 17. I agree to reside at _____ and will abide by all rules and regulations of the program. Additionally, I am:
- () eligible for work release.
- () not eligible for work release.
- () required to appear before the Court upon completion of or release from the program, as directed by the Pretrial Services Officer.
- () 18. I agree to participate in the following home confinement program and will abide by all the requirements of the program and shall pay at least a portion of the cost according to my ability as determined by the Pretrial Services Officer.
- () With Electronic Monitoring: I am restricted to my residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Officer. I shall maintain a telephone in the residence void of special services (modems, answering machines, cordless telephones etc.)
- () Without Electronic Monitoring: I am restricted to my residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the Pretrial Services Officer.
- () 19. I agree to reside with/at _____.
- () 20. I agree to being placed in the custody of _____.

I, the third party custodian, agree (a) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (b) to notify the court immediately in the event the defendant violates any conditions of release.

Signed: _____

Custodian

Date

- () 21. I agree to abide by the following curfew: I am restricted to my residence every day from _____ to _____ or as directed by the Pretrial Services Officer.
- () 22. I agree not to enter into any agreement to act as an informer or agent of law enforcement agency without the permission of the court.
- () 23. I agree to cooperate in the collection of a DNA sample pursuant to 42 U.S.C. §14135a.

() 24. I agree to the following additional conditions:

ADVICE OF PENALTIES AND SANCTIONS TO THE DEFENDANT

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

DECLARATION OF DEFENDANT

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I agree and understand that this is a continuing bond (including any proceeding on appeal or review) which shall continue until such time as I am exonerated. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

(✓) This bond was sworn to and signed before a Deputy Clerk of Court or Judicial Officer.

ORDER AND DIRECTIONS TO THE UNITED STATES MARSHAL

(✓) The defendant is ORDERED released after processing.

() The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release.

Date October 25, 2010

/s/ Ellen S. Carmody

U.S. MAGISTRATE JUDGE